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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHARLES B. JONES,  
Plaintiff,  
v.  
J. GARCIA, et al.,  
Defendants.

1:17-cv-01311-LJO-SKO (PC)

ORDER GRANTING IN PART  
DEFENDANTS' MOTION TO MODIFY  
DISCOVERY AND SCHEDULING ORDER  
(Doc. 40)

On October 16, 2019, Defendants filed a motion to modify the Court's discovery and scheduling order, (Doc. 33), pursuant to Federal Rule of Civil Procedure 16. (Doc. 40.) Defendants request that the discovery cutoff date and dispositive motion deadline be stayed until 60 days after the Court rules on Defendants' pending motion for summary judgment (MSJ) based on failure to exhaust administrative remedies. (Doc. 40 at 1.) Currently, the discovery cutoff date is October 30, 2019, and the dispositive motion deadline is December 30, 2019. (Doc. 33 at 3.) The deadline for Plaintiff to file an opposition or statement of non-opposition to Defendants' motion to modify the scheduling order has not yet passed; however, the Court finds that neither is necessary here and deems the motion submitted.

The defendants filed their exhaustion-based MSJ on August 28, 2019. (Doc. 34.) On August 30, 2019, the Court granted Plaintiff an extension of time to file an opposition to the

1 defendants' motion. (Doc. 36 at 2). Plaintiff's opposition is not due until after the current close of  
2 discovery on October 30, 2019. (*See id.*) Defendants contend that adjudication of their MSJ may  
3 dispose of this entire action. (Doc. 40-1 at 1). Thus, they argue that the Court should stay all  
4 merits-based discovery and the dispositive motion deadline to conserve resources. (*Id.* at 1-2.)

5 The Court finds good cause to grant Defendants' request. Given that discovery is set to  
6 end on October 30, 2019, the Court does not find that Plaintiff will be prejudiced by a stay of  
7 discovery, since it will effectively provide both parties with additional time to conduct merits-  
8 based discovery. However, the Court does not believe that a stay of discovery until 60-days-post-  
9 ruling is warranted, given that Defendants filed their motion seeking a stay only two weeks before  
10 the discovery cutoff date. Plus, if discovery is "stayed" the entire 60 days, then technically  
11 discovery cannot proceed until the stay is lifted, which would leave the parties without additional  
12 time to conduct merits-based discovery prior to the dispositive motion deadline. Thus, the Court  
13 will *stay* discovery until the Court issues its ruling on Defendants' pending motion for summary  
14 judgment, (Doc. 34), and *extend* the discovery cutoff date to 30 days after the Court issues its  
15 ruling on the motion for summary judgment. The Court will extend the dispositive motion  
16 deadline to 60 days after the Court issues its ruling on Defendants' motion for summary  
17 judgment.

18 Accordingly, the Court HEREBY ORDERS that:

- 19 1. Defendants' motion to amend the discovery and scheduling order, (Doc. 40), is  
20 GRANTED in part. Discovery is STAYED until the Court issues its ruling on  
21 Defendants' motion for summary judgment, (Doc. 34). The discovery cutoff date is  
22 extended to **30 days** after the Court issues its ruling on the motion for summary  
23 judgment, and the dispositive motion deadline is extended to **60 days** after the Court  
24 issues its ruling on the motion for summary judgment, (Doc. 34).

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2. The current discovery cutoff date and dispositive motion deadline are VACATED.

IT IS SO ORDERED.

Dated: October 31, 2019

/s/ Sheila K. Oberlo  
UNITED STATES MAGISTRATE JUDGE